

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 03, 2021

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

CONNI M.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:20-CV-00126-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 16, 19

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 19, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Christopher Dellert represents Plaintiff. Attorney Lisa Goldoftas represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 4.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 On remand, the parties stipulate that the Appeals Council will instruct the
7 ALJ to:

- 8 • Offer Plaintiff the opportunity for a hearing;
- 9 • Further evaluate the medical evidence of record, including the opinion
10 of James Byrd, M.D., Plaintiff's treating rheumatologist;
- 11 • Reevaluate Plaintiff's subjective complaints;
- 12 • Reconsider the lay witness evidence of Robert McCurdy (Exhibit 3E);
- 13 • Reevaluate Plaintiff's residual functional capacity;
- 14 • Obtain supplemental vocational expert evidence as necessary; and
- 15 • Take any further action needed to complete the administrative record
16 and issue a new decision.

17 *See* ECF No. 19 at 2.

18 3. Judgment shall be entered for **PLAINTIFF**.

19 4. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is **STRICKEN**
20 **AS MOOT**.

1 5. Upon proper presentation, this Court consider Plaintiff's application for
2 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3 The District Court Executive is directed to enter this Order, **enter**
4 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

5 DATED March 3, 2021.

6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES MAGISTRATE JUDGE
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